

**MEDICAL EXAMINING BOARD  
REGULAR MEETING  
FEBRUARY 18, 2004**

**MEMBERS PRESENT:** Drs. Lief Erickson, Alfred Franger, Jon Gudeman, Ronald Grossman, Jack Lockhart, Daniel Miota, Gene Musser, and Mary Cook, JD; Karen Kalishek, and Virginia Heinemann. Dr. Saini arrived late.

**MEMBERS EXCUSED:** Drs. Sidney Johnson, Ian Munro

**STAFF PRESENT:** Tom Ryan, Bureau Director; Jacquelynn Rothstein, DRL counsel to the Board; Gina York, Program Assistant; and DOE staff for a portion of the meeting

**GUESTS:** Mark Grapentine, Wisconsin Medical Society

**CALL TO ORDER**

Chair Alfred Franger called the meeting to order at 8:02 a.m.

**APPROVAL OF AGENDA**

**Amendments:**

Stipulation Regarding Peri Aldrich  
Case Status Report

**MOTION:** Ronald Grossman moved, seconded by Virginia Heinemann, to approve the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES JANUARY 21, 2004**

**Amendments:**

Under "Members Present" add Dr. Miota and Dr. Musser.

Change "Ballots" to Nomination Forms"

Under "Election of Officers" move the second motion and the following paragraph to bottom of page 9 after "report of State Medical Society..."

Add Dr. Saini arrived at 8:50 a.m." after "Report of State Medical Society"

Under "Motion" by Jon Gudeman, change "closed ballot" to "written nomination form" and change "open" ballot to "written ballot"

Page 3 Strike "Dr. Saini arrived at 8:50 a.m., and" from the first sentence of second paragraph.

Add "Dr. Franger assumed the Chair" before "set Meeting Date ...." On page 9

Under "Reports of Pending court cases," at the bottom of page 9, add "Mary Cook asked that members receive copies of CR 02-103 at the next meeting."

Top of page 10: Strike “(Dr. Gudeman the alternate)” and add “Virginia Heinemann made a motion to request the Department also send a member of the Board. Motion carried. Dr. Gudeman was selected.”

Correct the Screening report to show that Dr. Erickson gave the screening report.

Corrected the last four motions to show the motions were seconded by Ian Munro, Jack Lockhart, Jack Lockhart, and Virginia Heinemann.

Before “Adjournment” add Virginia Heinemann thanked Dr. Johnson for his leadership over the past year.

**MOTION:** Mary Cook moved, seconded by Dr. Gene Musser, to approve the minutes of January 21, 2004, as amended. Motion carried unanimously.

### **ADMINISTRATIVE REPORT**

The Department gave a presentation to the Board regarding the new DRL Website.

Tom Ryan provided the Board a copy of the roster to use as a reference. No changes were made to the roster at this meeting.

Tom Ryan reported on the DRL space revitalization project. The Board took a short tour of the remodeled space.

Tom Ryan reported there will be a Regulatory Digest. The format is up to the Board and will be discussed at future meetings. Mr. Ryan asked that Board members submit articles directly to him. Article topics discussed were pain management guidelines, the new website, update on the building renovations, and the Patients compensation fund.

Tom Ryan reported on Secretary Strong Hill’s February 14, 2004, presentation to the Wisconsin Medical Society.

### **PRISON TOUR**

Mary Cook reported she toured the Dodge Correctional Institution located in Waupun, WI. This facility is the main intake unit where prisoners come through for screening and preparation before going to a permanent facility. The facility deals with serious health issues, and the new health director states that he is enthusiastic about making improvements.

### **PRESENTATION OF PROPOSED STIPULATIONS**

DOE Attorney James Polewski presented the proposed stipulations regarding Peri Aldrich, M.D. and Paul R. Egge, M.D. These will be deliberated on in closed session.

**PRESENTATION OF PROPOSED ORDER FOR DISMISSAL AND OBJECTIONS IN  
THE MATTER OF DISCIPLINARY PROCEEDINGS REGARDING  
MARK C. BOETTCHER, M.D.**

DOE Attorney Gil Lubcke, representing the petitioner, presented objections to the motion for dismissal regarding Mark C. Boettcher, M.D., and Attorney Patricia Epstein presented on behalf of the respondent. This will be deliberated on in closed session.

**COMMITTEE CONCLUSION REGARDING RADIOGRAPH INTERPRETATION**

Tom Ryan reported that the Board discussed this issue at the October 23, 2002 meeting and provided copies of those minutes. The recommendation was that the Board will send a letter to Senator Ellis regarding the Board's consensus position. Tom Ryan will check on the number of non-US licensees in Wisconsin and provide the information to the Board, if available. The Board decided that a committee would not be needed to address this topic, but Mr. Ryan and Dr. Lockhart will discuss it further.

**REPORT OF WISCONSIN MEDICAL SOCIETY DECEMBER MEETING  
PRESENTATION BY MEB MEMBERS – KAREN KALISHEK**

Karen Kalishek reported that she felt welcomed and that the presentation given to the Wisconsin Medical Society in December went well. Ms. Kalishek shared that many were unaware of how the complaints are handled. Mark Grapentine said the MEB presentation was well received. He said the Wisconsin Medical Society updated its website with information on how to file a complaint against a physician and added necessary links. Tom Ryan reported that on February 14, 2004, Secretary Strong Hill, Sandra Rowe, and he gave a presentation on how cases are handled at the Wisconsin Medical Society. Mr. Ryan shared that DRL appreciates the Wisconsin Medical Society's efforts to improve its website.

**REPORTS OF PENDING COURT CASES, DISCIPLINARY CASES,  
ADMINISTRATIVE RULES AND LEGISLATION**

The Board reviewed the report at today's meeting.

**SENATE BILL 200**

The Board discussed Senate Bill 200 at today's meeting.

**MOTION:** Gene Musser moved, seconded by Mary Cook, in favor of working on this legislation with Christopher Klein to oppose Senate Bill 200. Motion carried unanimously.

**PAIN MANAGEMENT**

The Board reviewed the minutes of 2/19/03 and 7/24/03 regarding pain management

**MOTION:** Jack Lockhart moved, seconded by Gene Musser, in favor of staying with their original position as provided in the previous minutes. Motion carried unanimously.

### **FSMB CALL FOR RESOLUTIONS**

Noted. No resolutions were submitted at this time.

### **REPORT OF SCREENING COMMITTEE**

Dr. Franger and Virginia Heinemann reported the Screening Committee reviewed 28 cases. Eight cases were opened, 14 cases were not opened and six cases required more information. The following are the list of Board members who will make up the Screening Panel through June 2004: March – Lief Erickson, Alfred Franger and Virginia Heinemann; April – Alfred Franger, Jack Lockhart and Virginia Heinemann; May – Alfred Franger, Jack Lockhart, and Virginia Heinemann; June – Alfred Franger, Bhupinder Saini, and Virginia Heinemann.

### **INFORMATIONAL ITEMS**

Noted.

### **RECESS TO CLOSED SESSION**

**MOTION:** Jon Gudeman moved, seconded by Daniel Miota, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § (1) (b)), and Wis. Stat. § 440.205; consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call vote: Drs. Alfred Franger-yes; Lief Erickson-yes; Ronald Grossman-yes; Jon Gudeman-yes; Gene Musser-yes; Jack Lockhart-yes; Daniel Miota-yes; Bhupinder Saini-yes; Karen Kalishek-yes; and Mary Cook, JD-yes; and Virginia Heinemann-yes. Motion carried unanimously.

Open session recessed at 10:25 a.m.

### **ISSUE A COMPLAINT CASE NO. 02 MED 161**

**MOTION:** Ronald Grossman moved, seconded by Jack Lockhart, in favor of a finding of probable cause that the licensee conduct in case 02 MED 161 is unprofessional, that a complaint be issued, and that a hearing be held. Motion carried unanimously.

**PROPOSED STIPULATION IN THE MATTER OF  
CASE NO. 02 MED 386**

**MOTION:** Ronald Grossman moved, seconded by Gene Musser, in favor of adopting the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning 02 MED 386. Vote taken: Dr. Franger-yes; Dr. Grossman-yes; Dr. Gudeman-yes; Dr. Erickson-yes; Karen Kalishek-yes; Dr. Lockhart-yes; Dr. Miota-yes; Dr. Musser-yes; Mary Cook, JD-no; Dr. Saini-yes. Virginia Heinemann abstained. Motion carried.

**PROPOSED STIPULATION IN THE MATTER OF  
PERI ALDRICH**

**MOTION:** Daniel Miota moved, seconded by Mary Cook, in favor of adopting the Findings of Fact in the matter concerning Peri Aldrich. Dr. Erickson abstained. Motion carried.

**MOTION:** Mary Cook moved, seconded by Virginia Heinemann, in favor of adopting the Conclusions of Law in the matter concerning Peri Aldrich. Dr. Erickson abstained. Motion carried.

**MOTION:** Dr. Saini moved, seconded by Daniel Miota, in favor of adopting the Order in the matter concerning Peri Aldrich. Dr. Erickson abstained. Motion carried.

**PROPOSED ORDER FOR DISMISSAL IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST MARK C. BOETTCHER, M.D., RESPONDENT,  
LS0307391MED**

**MOTION:** Ronald Grossman moved, seconded by Virginia Heinemann, in favor of rejecting the Administrative Law Judge's Decision and to remand for a hearing on the merits in the matter concerning Mark C. Boettcher, M.D. Dr. Erickson abstained. The Bureau Director was not present for deliberation. Motion carried.

**COMPLETION OF IPP PROGRAM # 405**

**MOTION:** Ronald Grossman moved, seconded by Gene Musser, in favor of releasing #405 from IPP. Motion carried unanimously.

**APPLICATION REVIEW – AHMED MOHAMED – REQUEST FOR QUALIFICATION  
UNDER 9 YEAR RULE – WIS. ADMIN. CODE MED. 1.06 (3) (B)**

**MOTION:** Jack Lockhart moved, seconded by Ronald Grossman, in favor of advising Ahmed Mohamed that he does not meet the 9 year rule and request the Credentialing Division inform him of alternatives to meet the criteria. Motion carried unanimously.

**BOARD ORAL (RE-EXAMINATION) – ASHWINI PRASAD**

**MOTION:** Jon Gudeman moved, seconded by Bhupinder Saini, in favor of granting a license to Ashwini Prasad. Motion carried unanimously.

**BOARD ORAL (RE-EXAMINATION) – SLOBODAN ZEC**

**MOTION:** Jon Gudeman moved, seconded by Bhupinder Saini, in favor of granting a license to Slobodan Zec. Motion carried unanimously.

**CONSULTING WITH LEGAL COUNSEL – STUART M SUSTER V. LIEF W.  
ERICKSON, JR., ET. AL.**

State of Wisconsin Assistant Attorney General Robert Hunter provided consultation to Board members noticed in the case. Mary Cook, JD; Jack Lockhart, MD; Jon Gudeman, MD; and Gene Musser, MD left the room and were not present for any portion of the consultation.

**BOARD ORAL EXAMINATION – ROBERT CLARK**

**MOTION:** Ronald Grossman moved, seconded by Gene Musser, in favor of granting a license to Robert T. Clark. Vote taken: Virginia Heinemann opposed, and Dr. Gudeman abstained. Motion carried.

**REQUEST FOR FULL LICENSURE – ARKAN ALRASHID, MD**

**MOTION:** Virginia Heinemann moved, seconded by Jack Lockhart, in favor of granting full licensure to Arkan Alrashid, MD. Motion carried unanimously.

**RAYMOND KOZIOL, M.D. – REQUEST FOR FULL REINSTATEMENT OR THREE  
MONTH STAY WITH POSSIBLE MODIFICATIONS**

**MOTION:** Daniel Miota moved, seconded by Lief Erickson, to deny full licensure to Raymond Koziol, M.D., grant a three month stay of suspension, and deny any modifications to his Board Order. Motion carried unanimously.

**DEBRA ZWEIR, CRRT – REQUEST FOR FULL LICENSURE**

**MOTION:** Daniel Miota moved, seconded by Virginia Heinemann, to deny full licensure to Debra Zweir, CRRT. Motion carried unanimously.

**JOHN FERRIS, M.D. – REQUEST FOR THREE MONTH STAY**

**MOTION:** Daniel Miota moved, seconded by Bhupinder Saini, in favor of granting a three month stay of suspension in the matter of John Ferris, M.D. Motion carried unanimously.

**CHRISTOPHER RASMUSSEN, M.D. – REQUEST FOR THREE MONTH STAY**

**MOTION:** Daniel Miota moved, seconded by Lief Erickson, in favor of granting a three month stay of suspension in the matter of Christopher Rasmussen, M.D. Dr. Saini abstained. Motion carried.

**CASE CLOSINGS**

**MOTION:** Bhupinder Saini moved, seconded by Gene Musser, to close complaint **03 MED 353** for no violation. Motion carried unanimously.

**MOTION:** Lief Erickson moved, seconded by Bhupinder Saini, to close complaint **03 MED 390** for no violation. Motion carried unanimously.

**MOTION:** Daniel Miota moved, seconded by Ronald Grossman, to close complaint **03 MED 470** for no violation. Motion carried unanimously.

**MOTION:** Ronald Grossman moved, seconded by Bhupinder Saini, to close complaint **02 MED 459** for insufficient evidence. Motion carried unanimously.

**MOTION:** Ronald Grossman moved, seconded by Jack Lockhart, to close complaint **01 MED 326** for no violation. Motion carried unanimously.

**MOTION:** Ronald Grossman moved, seconded by Daniel Miota, to close complaint **03 MED 242** for no violation. Motion carried unanimously.

**MOTION:** Virginia Heinemann moved, seconded by Karen Kalishek, to close complaint **03 MED 187** for insufficient evidence. Motion carried unanimously.

**MOTION:** Ronald Grossman moved, seconded by Bhupinder Saini, to close complaint **01 MED 152** for prosecutorial discretion (P1). Motion carried unanimously.

**MOTION:** Virginia Heinemann moved, seconded by Ronald Grossman, to close complaint **02 MED 356** for no violation. Motion carried unanimously.

**MOTION:** Bhupinder Saini moved, seconded by Lief Erickson, in favor of Dr. Erickson looking at case number **03 MED 006**, and for DOE to bring the case back to the full Board on March 17, 2004. If the deadline cannot be met, a teleconference call will be held to request an extension of time from the DRL Secretary. Motion carried unanimously.

### **RATIFYING LICENSES AND CERTIFICATES**

**MOTION:** Gene Musser moved, seconded by Jon Gudeman, to ratify the applicants as licensed to practice medicine and surgery in the State of Wisconsin. Motion carried unanimously.

### **RECONVENE IN OPEN SESSION**

**MOTION:** Virginia Heinemann, seconded by Lief Erickson, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 1:25 p.m.

### **VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION**

**MOTION:** Bhupinder Saini, moved, seconded by Daniel Miota, in favor of accepting all motions made during closed session. Motion carried unanimously.

### **ADJOURNMENT**

**MOTION:** Daniel Miota moved, seconded by Bhupinder Saini, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:28 p.m.